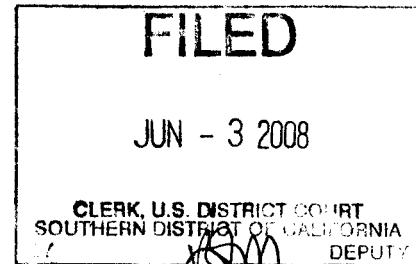


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7 Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

1 UNITED STATES OF AMERICA,) Magistrate Case No. 08MJ1439

2 Plaintiff,)
3 v.)
4 BLANCA BLANCO,)
5 Defendant.)

STIPULATION OF FACT AND JOINT
MOTION FOR RELEASE OF
MATERIAL WITNESS(ES) AND
ORDER THEREON

16 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES
17 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Fred
18 Sheppard, Assistant United States Attorney, and defendant BLANCA BLANCO, by and through and
19 with the advice and consent of defense counsel, Richard Boesen, Esq., that:

20 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing
21 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,
22 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead
23 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count
24 of Harboring Illegal Aliens and Aiding and Abetting, in violation of Title 8, U.S.C., Secs.
25 1324(a)(1)(A)(iii) and (v)(II) (Felony)

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1 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
2 provide the signed, original plea agreement to the Government not later than five business days
3 before the disposition date set by the Court.

4 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or
5 before **June 5, 2008**.

6 4. The material witnesses, Luis Sanchez-Campos, Noemi Lopez-Medina and Enrique
7 Moreno-Ruiz, in this case:

8 a. Are aliens with no lawful right to enter or remain in the United States;
9 b. Entered or attempted to enter the United States illegally on or about May 3,
10 2008;

11 c. Were found in a house which defendant was a caretaker and that defendant
12 knew or acted in reckless disregard of the fact that they were aliens with no lawful right to enter or
13 remain in the United States;

14 d. Were paying \$4,500, \$5,000 and \$3,500, respectively, to others to be brought
15 into the United States illegally and/or transported illegally to their destination therein; and,

16 e. May be released and remanded immediately to the Department of Homeland
17 Security for return to their country of origin.

18 5. After the material witnesses are ordered released by the Court pursuant to this
19 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
20 reason, or thereafter withdraws her guilty plea to that charge, defendant agrees that in any
21 proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral
22 attack, that:

23 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
24 substantive evidence;

25 b. The United States may elicit hearsay testimony from arresting agents
26 regarding any statements made by the material witness(es) provided in discovery, and such testimony
27 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest

28 Stipulation of Fact and Joint Motion for Release of
Material Witness(es) And Order Thereon in
United States v. Blanca Blanco

1 of (an) unavailable witness(es); and,

2 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),
3 “testimonial” hearsay statements are not admissible against a defendant unless defendant confronted
4 and cross-examined the witness(es) who made the “testimonial” hearsay statements, defendant
5 waives the right to confront and cross-examine the material witness(es) in this case.

6 6. By signing this stipulation and joint motion, defendant certifies that defendant has
7 read it (or that it has been read to defendant in defendant's native language). Defendant certifies
8 further that defendant has discussed the terms of this stipulation and joint motion with defense
9 counsel and fully understands its meaning and effect.

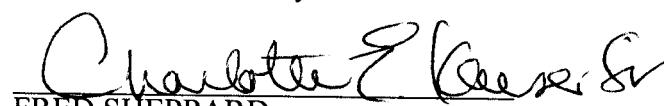
10 Based on the foregoing, the parties jointly move the stipulation into evidence and for the
11 immediate release and remand of the above-named material witness(es) to the Department of
12 Homeland Security for return to their country of origin.

13 It is STIPULATED AND AGREED this date.

14 Respectfully submitted,

15 KAREN P. HEWITT
16 United States Attorney

17 Dated: 6/3/08.


18 FRED SHEPPARD
19 Assistant United States Attorney

20 Dated: 5-22-08.


21 RICHARD BOESEN
22 Defense Counsel for Crystal Macias

23 Dated: 05-22-08


24 BLANCA BLANCO
25 Defendant

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27
28 Stipulation of Fact and Joint Motion for Release of
Material Witness(es) And Order Thereon in
United States v. Blanca Blanco

ORDER

Upon joint application and motion of the parties, and for good cause shown,

THE STIPULATION is admitted into evidence, and

IT IS ORDERED that the above-named material witness(es) be released.

forthwith to the Department of Homeland Security for return to their country of origin.

SO ORDERED.

Dated: 6/3/08

United States Magistrate Judge

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Material Witness(es) And Order Thereon in
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